

SEP 23 '96 24:38 PM NTIR/OSM/SP8P

## U.S. Department of Labor

Occupational Safety and Health Administration  
Washington, D.C. 20210

Reply to the Attention of:



AUG 2 1996

Mr. Richard M. Smith  
Chief Engineer  
Office of Engineering and Technology  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Smith:

I am pleased to submit reply comments to the Federal Communications Commission (FCC) regarding the latest proposed Guidelines for Evaluating the Environmental Effects of Radiofrequency (RF) Radiation (ET Docket No. 93-62) on behalf of the Occupational Safety and Health Administration (OSHA). In our initial comments of February 22, 1994, we generally endorsed FCC's proposal to update its maximum RF exposure guidelines by adopting the IEEE/ANSI C95.1-1991 RF hazard limits to replace the currently referenced ANSI C95.1-1982 criteria. Based on comments you received, particularly from the Environmental Protection Agency (EPA), you are now considering guidelines which include: 1) the adoption of limits for field strength and power density based on National Council on Radiation Protection (NCRP) recommendations instead of ANSI/IEEE; 2) adoption of ANSI/IEEE limits for localized specific absorption rate (SAR); and 3) the endorsement of measurement procedures described in ANSI/IEEE C95.3 and NCRP Report No. 119.

I am aware that technical personnel from the various federal safety and health agencies, including OSHA, have deliberated the merits of adopting the ANSI/IEEE or NCRP recommendations as a basis for your guidelines. We support FCC's decision to adopt its own guidelines based on, among other things, selected sections of both of these standards. The resulting limits for maximum RF field strength, power density and localized SAR would be appropriate elements in a comprehensive RF protection program, and part of an employer's overall safety and health program.

Absent from your proposed approach is the adoption of limits for RF induced foot and contact currents, such as those presented in the ANSI/IEEE and ACGIH standards. Where applicable, measuring induced foot and contact currents is more direct and accurate than measuring field strengths for demonstrating compliance with SAR limits, the bases for both the ANSI/IEEE and NCRP standards. We have also found that reliance on field strength measurements alone may be unnecessarily restrictive for exposure locations slightly above the field strength limits. In many of these

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EPA IED

SEP 05 '96 24:39PM NTIA/OSM/SP&amp;P

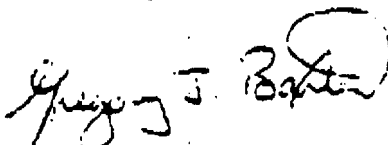
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field strength limits are exceeded. In order to complete your criteria for maximum RF exposures, we strongly recommend that FCC adopt induced foot and contact current limits published by ANSI/IEEE and ACGIH.

If you have any questions regarding this response, please contact Robert Curtis at (801) 487-0521, ext. 243.

Sincerely,



Gregory J. Baxter  
Acting Director  
Directorate of Technical Support

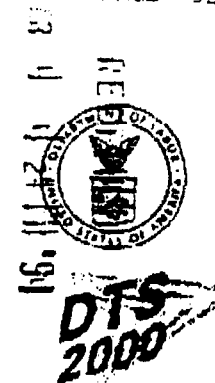
U.S. Department of Labor

Occupational Safety and Health Administration  
Washington, D.C. 20210

MAR 1 1994

Reply to the attention of:

Thomas P. Stanley  
Chief Engineer  
Office of Engineering and Technology  
and Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554



Dear Mr. Stanley:

I am pleased to submit reply comments to the Federal Communications Commission (FCC) on the Notice of Proposed Rulemaking, Guidelines for Evaluating the Environmental Effects of Radio-frequency (RF) Radiation (ET Docket No. 93-62) on behalf of the Occupational Safety and Health Administration (OSHA). We generally endorse FCC's proposal to update its guidelines by adopting the IEEE/ANSI C95.1-1991 RF hazard limits to replace the currently referenced ANSI C95.1-1982 criteria. However, we also offer the following specific reply comments in response to submissions you have received from other organizations:

1. In previously submitted comments, the Food and Drug Administration also endorsed the FCC adoption of IEEE/ANSI C95.1-1991 with certain reservations. The Environmental Protection Agency (EPA) recommended the adoption of the National Council on Radiation Protection (NCRP) exposure criteria instead. Both criteria are based on biological-effects literature reviews conducted over seven years ago, and need to be updated. An important factor in our recommendation to adopt the ANSI limits is the scheduled, on going review and update of this standard. If the NCRP were commissioned to update its 1986 criteria as suggested by EPA, our concerns for the future viability of the NCRP guidelines could be resolved.

2. The major deficiency of both the ANSI and NCRP recommendations is their focus on exposure limits, almost to the exclusion of other RF protection elements which must be considered in developing a comprehensive safety and health program. It is recommended that FCC require its applicants to implement a written RF protection program which appropriately addresses traditional safety and health program elements including training, medical monitoring, protective procedures and engineering controls, signs, hazard assessments, employee involvement, and designated responsibilities for program implementation. Exposure criteria may be useful in determining when certain elements of an RF program must be implemented.

3. IEEE/ANSI C95.1-1991 provides two tiers of exposure limits, one for "controlled environments" and more stringent criteria for "uncontrolled environments." The possible implication that employees may be subjected to a higher level of risk because

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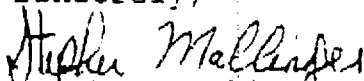
they "are aware of the potential for exposure as a concomitant of employment" is unacceptable to OSHA. Rather, it is suggested that FCC adopt the uncontrolled environment criteria as an "action limit" which determines when an RF protection program is required. Persons exposed above the uncontrolled environment criteria would be protected by a program designed to mitigate any potential increase in risk.

4. The FCC must consider the potential impact of ANSI interpretations of C95.1-1991. In its comments to the Commission, the IEEE - SCC 28 Working Group on Interpretations recommended that "all subsequent interpretations or supplements to that guideline adhere to such adoption." Although we recognize the importance for the IEEE to prepare formal interpretations of its standard, we strongly recommend that the FCC retain its own procedures for interpreting FCC standards, including those based on IEEE/ANSI criteria.

5. The application of the exclusion sections of the IEEE/ANSI standard for Low-Power Devices (ref. Sections 4.2.1.1 and 4.2.2.1) is currently being discussed within the IEEE sub-committees. As a minimum, it is recommend that FCC require manufacturers of devices intending to qualify for the exclusions to implement an RF protection program on behalf of potential users. For example, it would be appropriate for manufacturers of hand-held RF devices in excess of 1.4 Watts to 1) evaluate spatial peak SARs to ensure the devices meet the controlled environment criteria under all reasonable conditions, 2) prepare a users manual which describes the safe use of the device and objectively describes health concerns for its use, and 3) affix a warning label to the device to direct the users to the manual.

6. Pages 38-39 of the comments submitted by the National Association of Broadcasters (NAB) describes RF protective clothing as having been "tested extensively and endorsed by OSHA as providing compliance with ANSI ...". It is important to note, as stated in the OSHA letter referenced by NAB, that "OSHA does not approve nor endorse products." In addition, OSHA did not conduct testing of the RF protection suit referenced by NAB, but did review the results of the manufacturer's sponsored research. OSHA was encouraged by the test results and does accept the utilization of RF protective clothing as part of a safety and health program where its use has been demonstrated to be safe and effective for the specific conditions of the job site.

Sincerely,

  
Stephen Mallinger

Acting Director

Directorate of Technical Support

NIOSH

To: David Fichtenberg  
From: Greg Lotz

**DESS**  
**OFFICE OF THE DIRECTOR**

**AUG 5 1996**

**RECEIVED**

July 25, 1996

Mr. Richard M. Smith  
Chief  
Office of Engineering and Technology  
Federal Communications Commission  
Washington, D.C. 20554

Dear Mr. Smith:

Dr. Linda Rosenstock asked me to reply to your letter of July 2, 1996, to the National Institute for Occupational Safety and Health (NIOSH) regarding the proposed FCC rule for evaluating human exposure to radiofrequency energy emitted by FCC-regulated transmitters. NIOSH appreciates the opportunity to reaffirm the comments submitted January 11, 1994 (enclosed) in response to the FCC NPRM (ET Docket 93-62) on this topic. In general, we concur with the approach outlined in your letter in developing the revised rule.

NIOSH agrees with the plan to utilize an approach that incorporates elements from two different documents, the NCRP Report 86, and the IEEE/ANSI C95.1-1992. Combining the limits for field strength and power density from the NCRP report, along with the ANSI/IEEE limits for localized specific absorption rate (SAR), provides an improved rule over the original NPRM in protecting workers involved with FCC-licensed sources from potential overexposure.

We continue to be concerned about exposure for those who must work very close to FCC-regulated transmitters, as noted in our 1994 comments. While we recognize practical concerns that have led the FCC to defer rulemaking on induced and contact current limits, NIOSH urges the FCC to develop an additional component to the rule in the near future to address these important aspects of RF exposure.

Finally, NIOSH supports the FCC endorsement of measurement procedures described in ANSI/IEEE C95.3 and NCRP Report No. 119. Both of these documents provide excellent guidance for measurement of RF exposures.

NIOSH appreciates the efforts of the FCC to note and respond to our earlier comments and those of other health agencies in revising the rule to improve the health and safety guidelines for workers who are at risk of RF exposure. If you

Page 2 - Mr. Richard M. Smith

have any questions regarding our comments, please contact Dr. Gregory Lotz,  
Division of Biomedical and Behavioral Science, at (513) 533-8482.

Sincerely yours,

Paul A. Schulte, Ph.D.  
Director  
Education and Information Division

Enclosure

cc:

Janet Haartz  
David Conover  
Greg Lotz  
Marilyn Fingerhut  
Gene Moss  
David Votaw  
Linda Rosenstock  
Bill Murray  
Larry Reed

NIOSH GLotz:dmm:7/23/95:FCC-RPLY.GL2



## DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

Public Health Service

Centers for Disease Control  
National Institute for  
Occupational Safety & Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1995

January 10, 1998

Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Sir/Madam:

Staff of the National Institute for Occupational Safety and Health (NIOSH) have reviewed the FCC proposed rule on radiofrequency radiation exposure guidelines, published in the Federal Register on April 14, 1997 [58 FR 19395]. Our comments and supporting references are enclosed.

If you have any questions regarding our submission, please call me at (513) 533-8302.

Sincerely yours,

Richard W. Niemeler, Ph.D.  
Director  
Division of Standards Development  
and Technology Transfer

5 Sets of Enclosures

**NIOSH****Comments to FCC**

COMMENTS OF THE  
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH  
ON THE  
FEDERAL COMMUNICATIONS COMMISSION  
PROPOSED RULE ON  
RADIOFREQUENCY RADIATION EXPOSURE GUIDELINES

47 CFR Part 1  
ET Docket No. 93-62

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Public Health Service  
Centers for Disease Control and Prevention  
National Institute for Occupational Safety and Health

1/11/93

1/11/94  
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The National Institute for Occupational Safety and Health (NIOSH) supports the Federal Communications Commission (FCC) in its effort to update the guidelines for evaluating the occupational and environmental effects of radiofrequency (RF) radiation.

The FCC proposes to modify its RF regulations by adopting new guidelines that have been developed by the Institute of Electrical and Electronic Engineers (IEEE) and published by the American National Standards Institute (ANSI). These guidelines have been designated IEEE C95.1-1991 by IEEE and ANSI/IEEE C95.1-1992 by ANSI. The frequency range covered by the FCC guidelines is from 3 kHz to 300 GHz.

While the maximum permissible exposure levels defined by ANSI/IEEE C95.1-1992 are similar to those defined by other related publications [NCRP 1986; WHO 1993], NIOSH is concerned about the lack of participation by experts with a public health perspective in the IEEE RF standards setting process. For example, epidemiology studies were categorically rejected as not useful in the process of setting the ANSI/IEEE C95.1-1992 limits. This lack of public health perspective creates a weakness in the ANSI/IEEE C95.1-1992 standard that should be acknowledged by the FCC in adopting these guidelines for regulating occupational and environmental exposures to RF radiation.

#### GENERAL COMMENTS

The provision of a two-tier standard based on "controlled" versus "uncontrolled" environments is problematic. The designation of controlled versus uncontrolled depends, in part, on the worker's knowledge of both the exposure level and the related health effects. It is extremely difficult to assess the level of a worker's "knowledge" and it is especially so when the standard does not provide any guidance on training programs or worker notification procedures. Therefore, the conservative public health approach would be to adopt only the more restrictive "uncontrolled environment" limits for all exposed workers and the general public.

The exposure levels that would be set by the standard are based on only one dominant mechanism -- adverse health effects caused by body heating. Nonthermal biological health effects have been reported in some studies and research continues in this area [NCRP 1986; WHO 1993]. The standard should note that other health effects may be associated with RF exposure and that exposure should be minimized to the extent possible.

In general, the standard provides minimal guidance on control measures, appropriate medical surveillance, training, or hazard communication.

#### SPECIFIC COMMENTS

Specific comments on various sections of the proposed standard to improve worker protection are as follows. The item number and the page number refer to the FCC notice of proposed rulemaking.

Page 6, Item 12

Regarding the definition of uncontrolled environment, which states that "there are no expectations that the exposure levels may exceed...", these "expectations" need to be based on some measurements or calculations of anticipated personal exposures. They should not be defined merely by presumption or past history, in view of the more restrictive guidelines (proposed) to be used from the ANSI/IEEE C95.1-1992.

Page 6, Item 13

The more "conservative approach" (i.e., one set of exposure limits) is appropriate, particularly with respect to general public exposure. Thus, if there is any question about exposure category (controlled versus uncontrolled), the uncontrolled criteria should be applied.

Page 8, Item 17

NIOSH agrees with the overall approach to hand-held portable devices. However, NIOSH questions whether it is possible or practical to ensure that "the radiating structure," which can include not only the whip antenna but in some cases the body of the cellular phone, is not within 2.5 cm of the body (e.g., head). If this spacing cannot be assured, exclusions based on radiated power should not be used. Thus, all cellular phones, with a "radiating structure" in the handset should require specific absorption rate (SAR) determinations to demonstrate compliance with the exclusion guidelines. Proof of such determinations should be submitted as part of the equipment authorization process.

Page 9, Item 20

The current categorical exclusions (i.e., for cellular phones and two-way radios) are not consistent with provisions of the ANSI/IEEE C95.1-1992 guidelines, and should not be carried over without new justification. The current FCC exclusions are based on the 1982 ANSI guidelines, and the FCC acknowledges that the 1992 ANSI/IEEE guidelines are more restrictive.

Page 10, Item 21

Categorical exclusions should be limited to situations where there is no possibility of excessive worker (as well as general public) exposure. However, it is not necessary to limit categorical exclusions to situations where field strengths will never be exceeded. If SAR or induced current maximum permissible exposures (MPEs) can be met (see ANSI/IEEE C95.1-1992, 4.2.1), field strengths can be exceeded. It is important to monitor the relative location of workers to the antenna/radiating structures.

If FCC intends to adopt the newer 1992 guidelines and carry over the old FCC categorical exclusions, an explanation should be provided of the basis for continuing use of the old exclusions that are no longer supported by the ANSI guidelines.

Certification of procedures, to preclude working near antennas, would be a protective approach. Careful determination of the worker's location, relative to antennas or metallic structures with RF current flow, is essential before meaningful SAR or current determinations can be made.

Evaluating exposure of workers within a few feet of a transmitting antenna must include determinations of SAR as well as induced and contact current in the body. Workers in these situations are receiving coupled exposures that cannot be evaluated using field strength measurements alone. It is critical to carefully determine where the workers are located, relative to the RF antenna or other metallic structure with current flow. The SAR and induced current determinations are explained in the ANSI/IEEE C95.1-1992 guidelines (see pages 13-14, 18-19 of these guidelines).

Page 10, Item 22

Induced body current could be measured for stations operating at and below 100 MHz. A frequency-tunable field intensity meter (e.g., Potomac® FIM-71) could be used to measure the induced current at and below 100 MHz. On the other hand, equipment and research are only available for the measurement of contact current up to 30 MHz. Stuchly et al. [1991] specified circuitry for a human equivalent impedance operable only up to 30 MHz and the Narda 8870 contact current meter only operates up to 30 MHz. A human equivalent impedance for 30 to 100 MHz should be developed, along with a practical contact current meter for 30 to 100 MHz. When developed, the frequency-tunable field strength meter could be used to determine the contact current flowing through this human equivalent impedance.

Regarding the split of the FM frequency band, induced current measurements should be required for up to 108 MHz, even though these frequencies are not included in the ANSI/IEEE C95.1-1992 guidelines. These frequencies could be measured with the same technology used at 100 MHz, if the instruments were properly calibrated.

Page 11, Item 24

The FCC has proposed using the more conservative approach (guidelines for "uncontrolled environment") when an area of uncertain definition exists. NIOSH agrees with this approach. If such a rationale were followed in this case, the lower limits of NCRP (see section 17.4 of NCRP [1986]) or WHO [1993] would be more conservative at the frequency ranges where such differences exist. However, these differences are not as important for the FCC-licensed sources of RF radiation as the inclusion of the induced current restrictions, which are not found in the NCRP guidelines.

Page 12, Item 25

The NCRP guidance states "If the carrier frequency is modulated at a depth of 50 percent or greater at frequencies between 3 and 100 Hz, the exposure criteria for the general population shall also apply to occupational exposures." There are data from in vitro and in vivo research noting effects under these conditions although the implications for risk to human health are not clear. It has been shown that modulation of this type (extremely low frequency, or ELF modulation) exists on amateur radio, microwave ovens, AM and FM radio, television, air traffic control radars, and LORAN. Further, RF sources have power supplies that are fed by 60 Hz power mains. The amount of ELF amplitude modulation (ripple) on the RF carrier depends on the quality or completeness of filtering on the power supplies. Thus, it follows that many, if not most signals from RF sources will have measurable ELF amplitude modulation. Before making ELF amplitude modulation restrictions, it may be useful to determine the depth or amount of ELF amplitude modulation in other common RF sources and the ease of making these measurements. The cost and reliability of such measurements is not clear.

Page 13, Item 27

The Commission should require more complete documentation or evidence from applicants who claim compliance with environmental RF radiation guidelines. The documentation should include laboratory data with calculations or measurements to support the claim. The data should be provided in a form suitable for scientific review, with sufficient detail to critique the method used to establish that data.

Pages 13-14, Item 28

The ANSI/IEEE C95.3-1992 guidelines for measurement procedures are appropriate for showing compliance.

Page 14, Item 29

Notes on specific types of equipment have been made elsewhere in these comments. In addition, the measurement guidelines set forth in IEEE C95.3-1991 are also relevant here. NIOSH was a participant in the development of C95.3 recommendations.

## REFERENCES

NCRP [1986]. Biological effects and exposure criteria for radiofrequency electromagnetic fields. Bethesda, MD: National Council on Radiation Protection and Measurements, NCRP Report No. 86.

Stuchly MA, Kozlowski JA, Symons S, Lacuyer DW [1991]. Measurements of contact currents in radiofrequency fields. Health Physics 60(4):547-557.

WHO [1993]. Electromagnetic fields (300 Hz to 300 GHz). Geneva, Switzerland: World Health Organization, Environmental Health Criteria 137.

**Exhibit 2**

**Example of a telecommunications company's constructing a communications facility without permits or proper notifications or approvals not being in accordance with requirements of**  
**Butler Township,**  
**the State of Pennsylvania,**  
**the Federal Aviation Administration,**  
**and the Federal Communications Commission**

## IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

THE TOWNSHIP OF BUTLER,  
Plaintiff

EQUITY

v.

BELL ATLANTIC MOBILE SYSTEMS,  
INC., VERNON L. WISE,  
personally and as President  
of Eagle Printing Company  
and EAGLE PRINTING COMPANY,  
Defendants

Eg 93-50034

JUL 8 3 52 PM '93  
CLERK OF COURT  
BUTLER COUNTYFEDERAL BUREAU OF  
INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE  
ENTERED & FILEDTO: BELL ATLANTIC SYSTEMS, INC., VERNON L. WISE and EAGLE PRINTING  
COMPANYNOTICE TO PLEAD

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a Judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND WHERE YOU CAN GET LEGAL HELP.

Prothonotary's Office  
Butler County Courthouse  
Butler, PA 16001  
(412) 285-4731

STEPANIAN &amp; MUSCATELLO

Attorneys for Plaintiff(s)

2.1

EX  
4704  
149855-50  
3024

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY  
COMMONWEALTH OF PENNSYLVANIA

THE TOWNSHIP OF BUTLER,  
Plaintiff

EQUITY NO.

v.

BELL ATLANTIC MOBILE SYSTEMS,  
INC., VERNON L. WISE, personally  
and as President of Eagle Printing  
Company and EAGLE PRINTING COMPANY,  
Defendants

COMPLAINT - CIVIL - EQUITY

AND NOW, Comes the Township of Butler by and through its solicitor, Bruno A. Muscatello, Esquire, and sets forth the following Complaint in Equity:

1. The Township of Butler is a first class township with offices at 6 Chesapeake Street, Lyndora, Pennsylvania, 16045, and is hereinafter referred to as "Township".

2. Bell Atlantic Mobile Systems, Inc., is a corporation with its last known address at 207 16th St., Pittsburgh, PA 15222, and is hereinafter referred to as "Bell Atlantic".

3. Vernon L. Wise, President Eagle Printing Company, and Eagle Printing Company is a business entity with an address at PO Box 271, 114 W. Diamond St., Butler, PA 16003. Eagle Printing Company is the owner of land situated in the Township of Butler on which Bell Atlantic desires to build a communications tower and is hereinafter referred to as "Eagle Printing".

10/23/1997 17:05

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4. Bell Atlantic has applied for a commercial development for the parcel of land owned by Eagle Printing in the Township of Butler for the purposes of erecting a communications tower on a 34 acre tract of land located in the R-1 residential district in Butler Township.

5. The Board of Commissioners of Butler Township on January 21, 1991, denied Bell Atlantic approval of the commercial development to construct the communications tower.

6. The Court of Common Pleas of Butler County, Pennsylvania, on May 26, 1992, denied the appeal of Bell Atlantic Mobile Systems of the denial of the Butler Township Board of Commissioners decision.

7. By decision dated May 12, 1993, the Commonwealth Court of Pennsylvania reversed the decision of the Common Pleas Court.

8. The Township of Butler has filed a timely Petition for Allowance of Appeal to the Supreme Court of Pennsylvania from the decision of the Commonwealth Court.

9. The appeal by the Township of Butler, a political subdivision, acts as an automatic supersedeas of the decision of the Commonwealth Court pursuant to Rule 1736 of the Rules of Appellate Procedure.

10. Bell Atlantic has applied to Butler Township for a building permit to construct the communications tower, however, the building permit has been denied. Bell Atlantic has taken no appeal from the denial of the issuance of the building permit.

11. On or about June 23, 1993, Bell Atlantic and/or Eagle Printing commenced construction of the communications tower without

a building permit and without an approved commercial development.

12. On or about July 6, 1993, Bell Atlantic and/or Eagle Printing Company through its agents, servants and/or employees continued to build the communications tower with neither a building permit nor an approved commercial development plan.

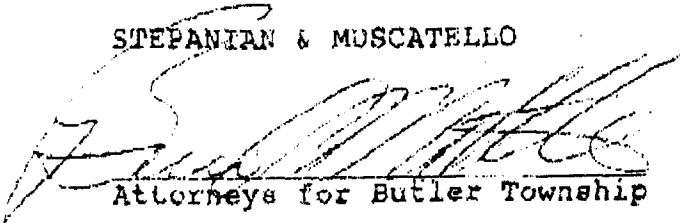
13. The erection of the communications tower without a building permit and without an approved commercial development plan is in direct violation of the ordinances of Butler Township and the Municipalities Planning Code.

14. Butler Township has no adequate remedy at law to prohibit the construction of the communications tower until such time as the case pending before the Supreme Court has been resolved.

WHEREFORE, the Court is requested to enter an injunction, enjoining the Defendants, their agents, servants or employees from entering upon the lands owned by Eagle Printing to take any actions for the construction or erection of the communications tower and to grant such other relief as is necessary.

Respectfully submitted,

STEPANIAN & MUSCATELLO



Attorneys for Butler Township

Work Copy

## UNITED STATES OF AMERICA

## FEDERAL COMMUNICATIONS COMMISSION

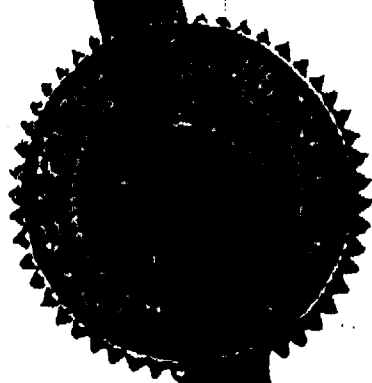
Washington, D. C.

I, Donna R. Searcy, certify that the attached is a true and correct copy of the following document on file in this Commission and that I am Official custodian of the same:

Notification of Status of Facilities Under Part 22  
(FCC Form 489) for Pennsylvania RSA 6 (II), Limited  
Partnership. Call Sign: K0KQ252, File No: 06785-CL-  
L-92, Market No: 0617-B2, Received: May 27, 1992.

IN WITNESS WHEREOF, I have hereunto  
set my hand, and caused the seal  
of the Federal Communications  
Commission to be affixed, this  
20th day of April, 1993

*Donna R. Searcy*  
Secretary



Cancellation of  
Site with FCC  
3/4/92

(2.5)

**FCC 409 FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C.

 Approved by OMB  
 3052 0318

**FCC Use Only**
**NOTIFICATION OF STATUS OF FACILITIES UNDER**

Read instructions Before Completing Form

All applicants must complete items 1 through 7 and Certification.

1. Legal Name of Applicant (if person, enter last name first) Pennsylvania RGA 6 (11), Limited Partnership		0527-07 3 6128(2)   2170252
Assumed Name Used for Doing Business (if any) Bell Atlantic Mobile Systems, Inc.		
Mailing Street Address or P.O. Box, City, State and ZIP Code 180 Washington Valley Road, Red Bank, New Jersey 07071		
Area Code - Telephone No. 1938 206-7378		

2. Fee Data. Refer to 47 CFR Section 1.1105 or Common Carrier Services Fee Filing Guide for information			FCC Use Only
(a) Fee Type Code COC	(b) Fee Multiple (if required) 1	(c) Fee Due For Fee Type Code in 3(a) \$60.00	

3. Name of Contact Representative (if other than applicant) Linda K. Smith, Esq.		Area Code - Telephone No. 202 694-2117
Firm or Company Name Crowell & Moring		
Mailing Street Address or P.O. Box, City, State and ZIP Code 1001 Pennsylvania Avenue NW, Washington D.C. 20004		

4. Call Sign KXKQ252	5. File No. of Authorization to which this application applies 04785-CL-L-92	6. Indicate frequency block if cellular <input type="checkbox"/> Block A <input checked="" type="checkbox"/> Block B
-------------------------	---	---

## 7. This form is to notify or request that:

- |   |                          |
|---|--------------------------|
| a. <input type="checkbox"/> Facilities have been constructed exactly in accordance with the authorization   | Completion<br>Items: 8   |
| b. <input type="checkbox"/> An extension of time to complete construction is being requested  | 9, 10                    |
| c. <input type="checkbox"/> Application is being submitted within 30 days after the expiration of authorization and reinstatement is being requested  | 9, 10, 5, 11             |
| d. <input type="checkbox"/> Facilities have been constructed with minor modifications from those authorized   | 10                       |
| e. <input checked="" type="checkbox"/> Minor modifications have been made to existing facilities (major modifications require the filing of FCC 409, L, that changes have been made in the authorization covering ownership, citizenship, station control, business connections and monopolistic practices) | 10, 14                   |
| f. <input type="checkbox"/> Assignor requests FCC records on facilities be returned to original status because partial assignment not completed within 60 days  |                          |
| g. <input type="checkbox"/> Permanent authorization is being requested prior to the expiration of a developmental authorization   | 4, 5, 10, 11, 12, 13, 14 |

## 8. Have the facilities constructed for the File No. in Item 5 been constructed exactly in accordance with the authorization?

☐ Yes ☐ No

9. (a) Has equipment been delivered? <input type="checkbox"/> Yes <input type="checkbox"/> No If "NO", answer Item 9(b)-(d)	(b) From whom ordered? (If no order has been placed, so indicate).	(1) Date Ordered
(c) Has installation commenced? <input type="checkbox"/> Yes <input type="checkbox"/> No If "YES", submit as Exhibit a description of the extent of installation and the date installation commenced.		(2) Date Delivered
		(d) Estimated date of completion of construction

## 10. Submit as Exhibit reason(s) why construction has not been completed or other reason(s) for reinstatement

## 11. Is reinstatement being requested?

☐ Yes ☐ No

If "YES", give expiration date of authorization.

## 12. Are the representations contained in the granted application for authorization still true and correct?

☐ Yes ☐ No

If "NO", give particulars in Exhibit and include in referenced exhibit, applicable exhibits attached thereto showing changes from representations made in granted application.

**ORIGINAL**

All previous editions are obsolete.

2.6

BREWER

10/23/1997 17:06

206/228-005

13. If for modification of license indicate (X) proposed changes.

- A ☐ Addition of Transmitter on Same Frequency as Existing Transmitter  
 B ☐ Change in Authorized Power  
 C ☐ Change(s) of Control Point(s)  
 D ☐ Change in Points of Communication  
 E ☒ Change in Other Particulars

Changes are described in Exhibit 1. If for additional transmitter, Exhibit must state explicitly that reliable service area contour (RSAC) and interference contour (IC) of new transmitter are respectively contained entirely within RSAC and IC of previously authorized facilities. If modifications involve items shown in FCC 401, Exhibit shall include applicable pages of FCC 401, showing items modified.

14. Show the following for licensed transmitters which are being deleted

(a) Locator Number	(b) Transmitter Number
CC1	

15. Is the station now operating?

☐ Yes ☒ No

16. Proposed Location of Transmitter If Changed From Authorization

(a) Current			(b) Proposed		
(1) Location No.	(2) Transmitter No.	(3) Proposed Location (Street Address, City or Town, State)	(4) North Latitude (Deg-Min-Sec)	(5) West Longitude (Deg-Min-Sec)	FCC Use Only Loc. No.

17. (a) Have there been any changes in the data furnished in the application for authorization covering ownership, citizenship, station control, business connections, and monopolistic practices?

☒ Yes ☐ No

(b) Have such changes been reported to the Commission?

☒ Yes ☐ No If "NO", show changes in Exhibit         

18. If this application is for modification of license, show in Exhibit 1 why the proposed change(s) is (are) deemed necessary and if a purpose it will serve.

19. Has applicant been denied state certification for the facilities proposed in this application?

☐ Yes ☒ No If "YES", attach as Exhibit          a statement describing the state authority's action and any pending appeals, or whether the state appeal process has been exhausted. Attach copies of any state authority decisions.

20. Certification

The applicant hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests a station license in accordance with this application. All the answers on this application are a material part of the application.

The applicant represents that this application is not filed for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

All statements made in the attached exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that the statements made in this application are true, complete and correct to the best of his (her) knowledge and belief, and are made in good faith.

Date

5/4/92

Typed Name of Applicant (Must Correspond With Item 1)

Pennsylvania RSA 6 (15), Limited Partnership

Signature

*Richard J. Lynch*

Designate Appropriate Classification

☐ Individual Applicant ☐ Member of Applicant Partnership ☒ Officer of Applicant Corporation or Association

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. (U.S. CODE, TITLE 18 SECTION 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312 (A) (1),) AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

2.7

# RADIO STATION AUTHORIZATION

FCC Form 489  
Exhibit No. 1  
Page 1 of 1

MOBILE RADIO AUTHORIZATION  
FCC FORM 489

PENNSYLVANIA RSA 6 (10), LIMITED PARTNERSHIP  
BELL ATLANTIC MOBILE SYSTEMS, INC.  
180 WASHINGTON VALLEY ROAD  
BEDMINSTER, NEW JERSEY 07921-0000

COMMON CARRIER  
DOMESTIC PUBLIC CELLULAR RADIO  
TELECOMMUNICATIONS SERVICE

CALL SIGN: KMK0252  
SYSTEM IDENTIFICATION NUMBER 0032  
FILE NO: 04785-CL-2-92  
MARKET: 0617 B-2 PENNSYLVANIA 6 - LAWRENCE

PAGE 01 OF 02

OPERATOR: DC

ORIGINAL GRANT DATE: SEPTEMBER 9, 1991  
DATE OF ISSUE: APRIL 15, 1992  
EXPIRATION DATE: OCTOBER 1, 2001

ALL PREVIOUSLY ISSUED AUTHORIZATIONS ARE VOID

MOBILE UNITS PRESENTLY AUTHORIZED: 100000  
AUTHORIZATION IS GRANTED FOR BLOCK B -

BASE: 880.020 THROUGH 889.980 MHz AND 891.510 THROUGH 893.970 MHz  
MOBILE: 835.020 THROUGH 844.980 MHz AND 846.510 THROUGH 848.970 MHz

~~LOCATION NO. 001 LATITUDE 40 50 24 N LONGITUDE 079 53 05 W~~  
~~1519 GARVEN ROAD~~  
~~CITY: BUTLER~~  
~~STATE: PENNSYLVANIA~~  
~~ANTENNA MARKINGS IN ACCORDANCE WITH PARAGRAPHS 1, 3, 4, 13, 21 OF FCC FORM 715~~

LOCATION NO. 002 LATITUDE 40 42 53 N LONGITUDE 080 06 03 W  
1519 GARVEN ROAD  
CITY: CRAMBERT  
COUNTY: BUTLER  
STATE: PENNSYLVANIA  
ANTENNA MARKINGS IN ACCORDANCE WITH PARAGRAPHS 1, 3, 4, 13, 21 OF FCC FORM 715

LOCATION NO. 003 LATITUDE 40 48 57 N LONGITUDE 079 30 12 W  
3000' FROM THE INTERSECTION OF ROUTES 422 & 66  
CITY: KITTANNING  
COUNTY: ARMSTRONG  
STATE: PENNSYLVANIA  
ANTENNA MARKINGS IN ACCORDANCE WITH PARAGRAPHS 1, 3, 4, 13, 21, 22 & 41.1 OF FCC FORM 715

2.8

FEDERAL  
COMMUNICATIONS  
COMMISSION



10/23/1991 1:10p

206/228300

SPRINGER

PAGE 10



U.S. Department  
of Transportation  
Federal Aviation  
Administration

The was abandoned  
Jan. 15, 1992 & not  
reinstated until June  
23, 1997 which means  
that FAMS did not  
comply with Ovd # 665.

Eastern Region

Federal Aviation Administration  
John F. Kennedy  
International Airport  
Jamaica, New York 11430

JAN 14 1997

### PROJECT STATUS REQUEST

CITY	STAT	LATITUDE/LONGITUDE		MSL	AGL	AMSL
BUTLER	PA	40-50-34.00	079-53-48.00	1301	317	1618

BELL ATLANTIC MOBILE SYSTEMS  
JAMES P. HENNESSEY AND ASSOCIATES  
P.O. BOX 792  
BLOCK ISLAND, RI 02807

AERONAUTICAL STUDY  
No: 90-AEA-0116-OE  
Date: 12/16/91

This letter concerns the Notice of Proposed construction, which was filed for the project as described above, on 01/20/90. A determination of no hazard to air navigation was issued under the aeronautical study referenced above. We have no record of having received either the required notice of actual construction, request for extension or a notice of project abandonment. Please indicate the status of the project in the space below and return this letter within 30 days. If no reply is received within 30 days of the date of this letter, action will be initiated to terminate this aeronautical study.

SIGNED John F. Gilmore Systems Management Branch  
Specialist John F. Gilmore AEA-530  
Our telephone number is (718) 917-1230/122A

Sec. 304.4 - Approval  
by the Bd of Comms  
shall not be binding if  
FCC Agency finds just  
cause to disapprove the  
development.

Project Status Re: 90-AEA-0116-OE

- The project ☒ is abandoned. ☐ is not abandoned.
- Construction status is as follows:  
Construction is scheduled to begin on or about \_\_\_\_\_  
☐ Structure reached its greatest height of \_\_\_\_\_ ft AGL(\_\_\_\_\_ ft  
 AMSL) on \_\_\_\_\_.
- Obstruction Marked: ☐ Yes ☐ No
- Obstruction Lighted: ☐ High Intensity White ☐ Red ☐ Dual  
☐ None ☐ Temporary
- The structure ☐ is not subject to FCC licensing authority.  
☐ is subject to FCC licensing authority, an application for a  
 construction permit ☐ has been ☐ has not been filed with the FCC.

NOTE: If the structure has been abandoned or the structure has reached its greatest height and is marked and/or lighted in accordance with the determination, submission of FAA Form 7460-2 is not required if this form is completed and returned.

Name: John F. Gilmore

Date: 1-10-92

(2.9)

Exhibit "V"

### Exhibit 3

Example of a report asserting:

(i) a telecommunications company apparently requested a construction permit grant in behalf of a non-existent partnership, and,

(ii) the Federal Communications Commission ("Commission") tentatively selected such partnership for a license, without the documentation which the Commission required for such action being reported to the Commission.

Thus indicating that apparently incorrect claims are made by telecommunications companies, and that the Commission, for some reason, sometimes makes approvals without the documentation the Commission says it requires for such approvals.